Testimony of Fred Adler IT Security Investigations Hewlett-Packard Company

Before the Subcommittee on Oversight and Investigations Committee on Energy and Commerce of the United States House of Representatives September 28, 2006

Mr. Chairman and Members of the Committee, my name is Fred Adler, HP IT Security Investigations, and I am here at the invitation of the Committee. No subpoena was required to compel my attendance. My fellow employees and colleagues at Hewlett Packard have encouraged me to attend this hearing, as have my employers. I believe, as do my friends at Hewlett Packard, that the company has a tradition of being an outstanding and ethical member of the community. From the recent public disclosure of possible inappropriate conduct, I am sure that Hewlett Packard will become a stronger company. I will be proud to continue to work there.

In order to assist the committee in evaluating my testimony, I would like you to know my background. I spent twenty-eight (28) years working for the California Attorney General's Office, Department of Justice, and retired before joining Hewlett Packard. The last thirteen (13) years at the Department of Justice I served as a law enforcement officer. The last seven years of my service I was assigned to the Sacramento High Tech Crimes Task Force, responsible for investigating computer based criminal activity. I joined HP after my retirement knowing that many of the people I would be working with were former colleagues who had outstanding careers in law enforcement investigating technology related crimes.

In the time I have worked for the company, we have successfully protected the company, its customers and vendors from criminal activity. When requested, we have also assisted law enforcement in investigating crimes when our particular expertise was needed. I am proud of our record and of our relationship with law enforcement. I am proud of the ethical standards our

company has set and my maintaining those standards.

Because of the pride I take in our company, earlier this year I became uncomfortable when I learned of investigative techniques being used by certain members of the Unauthorized Disclosure Investigative Team with whom I worked during the investigation of leaks to the press. Those leaks had divulged important corporate information.

In order to appreciate concerns that arose during the investigation, one must understand the legal issues surrounding the collection of relevant information. People who work at Hewlett Packard, as at other corporations, sign a user agreement which permits the company access to data which resides on the company network. This includes data on desk top computers, lap top computers, email accounts, servers and also includes telephone records. If so tasked and specifically authorized, I have access to those accounts and can track the pertinent calls, e-mails and contacts for investigative purposes. In that process it may be helpful to know the phone numbers or e-mail identity for the employee or corporate officer and other key persons.

The information we use to make our inquiries must comply with legal standards. If we wish to obtain third party data, we must and do comply with the law. As a result of our law enforcement experience, we usually know what standards apply. In this instance, when we grew concerned that legal standards may not have been met in obtaining personal phone records, a coworker and I brought the matter to the attention of our managers. My manager, a former law enforcement officer, appreciated our concerns and raised them with counsel. We were all subsequently assured by counsel everything being done met both federal and state legal standards. We were advised that this opinion was the result of a review by at least two attorneys.

I understand those opinions have since been questioned. I am not an attorney and can't pass judgment on that issue. I do believe as a former law enforcement officer that it is important

that the law be clear so that everyone knows its limits. If the problem that brought us here today starts the process of clarifying the law, some good will have occurred. HP and its exceptional employees will get past this difficult period, it is a strong company with loyal customers and clients. In the meantime, I am pleased to assist the Committee by answering questions and providing information, particularly if it helps in passing legislation which will clarify the law.